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| 09/819,264 | 03/28/2001 | Satoru Ueda | 450100-03087 | 2071 |

| | | | | EXAMINER |
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| 20999 | 7590 | 12/15/2006 | | DESHPANDE, KALYAN K |

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DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *10 August 2006*.

2a)☐ This action is **FINAL**.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

1.      The following is a non-final office action in response to the applicant's arguments

filed August 10, 2006. Claims 1-11 are pending.

### *Response to Amendments*

2.      Applicants' amendments to claims 1 and 9-11 are acknowledged.

### *Response to Arguments*

3.      Applicants' arguments filed on August 10, 2006 have been fully considered but

are not found persuasive.  Applicants' argue i) DeRaphael fails to teach "wherein

advertisements are sent directly to the pollee using the personal information included in

the contents polling information", "wherein said contents introduction information is

classified into separate subdivisions as a function of subject matter", and "wherein said

contents introduction information is classified into separate subdivisions as a function of

subject matter" as per claim 1.

In response to Applicants' argument that De Rafael fails to teach "wherein

advertisements are sent directly to the pollee using the personal information included in

the contents polling information", "wherein said contents introduction information is

classified into separate subdivisions as a function of subject matter", and "wherein said

contents introduction information is classified into separate subdivisions as a function of

subject matter" as per claim 1, Examiner respectfully disagrees.  De Rafael explicitly

teaches "wherein advertisements are sent directly to the pollee using the personal

information included in the contents polling information" (see column 5 lines 52-67 and

column 6 lines 44-63; where advertisements are directly sent to the pollee based on

information entered by the user, including personal and demographic information, and a

pre-determined algorithm.), "wherein said contents introduction information is classified

into separate subdivisions as a function of subject matter" (see column 6 lines 44-64;

where the user selects advertisements and an algorithm determines the next question

for the pollee to answer. The algorithm can be a complex structure or a basic decision

tree. A decision tree is a network of nodes that subdivide a subject matter.), and

"wherein said contents introduction information is sent to a contents polling apparatus of

said pollee who is suitable for said subject matter" (see column 5 lines 52-67 and

column 6 lines 44-63; where advertisements are directly sent to the pollee based on

information entered by the user, including personal and demographic information, and a

pre-determined algorithm. For example, a user interested in tax information is

presented with the appropriate questions and advertisements.). Applicants specifically

contend that the present invention distinguishes from De Rafael in that the present

invention directly submits advertisements to the pollee. However, De Rafael does

directly send advertisements from the processor host to the pollee and this is done

through an analysis of the personal information processed and stored at the processor

machine (see column 4 lines 30-65). Furthermore, the advertisements are stored on

the processor machine and are a direct submission from the advertisement repository to

the pollee (see figure 2).

### Claim Rejections - 35 USC § 102

4.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.       Claims 1-5, 7-11 are rejected under 35 U.S.C. 102(e) as being anticipated by De

Rafael et al (US 6529878).

As per claims 1 and 9-11, De Rafael teaches:

a contents market research apparatus comprising:

contents introduction information storage means for storing content introduction

information for introducing said picture content to said pollee (see column 4 lines 10-

65; where advertisers display content introduction information to users. The

advertisements are contents introduction information and the picture content. A user

is prompted to answer information by selecting an advertisement, thereby making

the user a pollee. All information, including that of advertisement information and

polling information is stored in a database.);

contents introduction information sending means for sending said content

introduction information stored in said contents introduction information storage

means (see column 4 lines 10-65; where the system is a client/server network.

Information is sent via the internet to client users.),

contents polling information receiving means for receiving the contents polling

information that includes said polling information for said picture content (see column

4 lines 10-65; where pollee answers are received by the server. Advertisements

(picture contents) are sent to users through the internet and are received by client computers.),

contents polling information storage means for storing said contents polling information received by means of said contents polling information receiving means (see column 4 lines 10-65; where the polling information is stored in a database.),

poll result counting means for discriminately counting said contents polling information entered by a predetermined pollee and said contents polling information entered by a general pollee (see column 4 lines 21-25: where statistical demographic information is compiled for the answers submitted by pollees.); and

a display for displaying business profitability when said picture content is commercialized on a display apparatus (see column 3 lines 28-44: the advertiser views the demographic information of pollees enabling the user to deduct profitability analysis information. This information is displayed to the user.)

wherein personal information is counted, if included in the contents, and a marketable field of the content is specified based on the counted result of the personal information (see column 2 lines 47-55 and column 3, lines 7-15: "This information may include, for example, the user's name, residence address, age, and any other demographic information that an advertiser may wish to know about the persons who view its advertisements. Whenever the user desires to view advertisements, the user logs into the remote computer in a suitable manner that identifies the user and allows the remote computer to determine the account corresponding to that user" whereby personal information is obtained from the

pollees and it is used as criteria for additional questions and "In certain embodiments

of the invention, the questions may further be generated in response to the user's

demographics. For example, a certain question may be asked only if the user is

under 30 years of age and answered "Yes" to the previous question. The algorithm

ensures that the sequence of questions and answers, although dynamically

generated, is finite in length. When the user responds to the final question of the

sequence, the remote computer credits the user's account." Which makes it a

marketable field of the content.);

wherein advertisements are sent directly to the pollee using the personal

information included in the contents polling information (see column 5 lines 52-67

and column 6 lines 44-63; where advertisements are directly sent to the pollee

based on information entered by the user, including personal and demographic

information, and a pre-determined algorithm.);

wherein said contents introduction information is classified into separate

subdivisions as a function of subject matter (see column 6 lines 44-64; where the

user selects advertisements and an algorithm determines the next question for the

pollee to answer. The algorithm can be a complex structure or a basic decision tree.

A decision tree is a network of nodes that subdivide a subject matter.);

wherein said contents introduction information is sent to a contents polling

apparatus of said pollee who is suitable for said subject matter (see column 5 lines

52-67 and column 6 lines 44-63; where advertisements are directly sent to the pollee

based on information entered by the user, including personal and demographic

information, and a pre-determined algorithm.  For example, a user interested in tax

information is presented with the appropriate questions and advertisements.); and

said content polling apparatus (see figure 2; where a computer is used for polling

means) comprising:

contents introduction information receiving means for receiving said content

introduction information sent by means of said contents introduction information

sending means (see column 4 lines 10-65; where pollee answers are received by

the server.  Advertisements (picture contents) are sent to users through the internet

and are received by client computers.),

contents introduction information display means for displaying said content

introduction information (see column 4 line 10-65; where in the client/server setup,

advertisements (contents introduction information) is sent and displayed at a client

station.),

contents polling means for entering said polling information (see column 4 lines

10-65; where a user is enabled to enter polling information by selecting an

advertisement.), and

contents polling information sending means for sending said contents polling

information entered by said contents polling means (see column 4 lines 10-65;

where polled information is sent to the server for analysis and storage.).

As per claim 2, De Rafael teaches the content introduction information includes

said picture content (See Figures 1 and 2 where the advertisements are displayed for

the pollee).

As per claim 3, De Rafael teaches the contents introduction information sending

means sends the content introduction information that has been classified as a function

of subject matter (column 2, lines 60-64: "Alternatively, for example, the remote

computer may provide a directory or a keyword search engine that the user can use to

find an advertisement relating to certain subject matter that interests the user."

Whereby the directory is equivalent to a classified system with respect to subject

matter as it performs an identical function in substantially the same manner with

substantially the same results.).

As per claim 4, De Rafael teaches the contents polling information includes

personal information of said pollee (column 2, lines 47-55: "This information may

include, for example, the user's name, residence address, age, and any other

demographic information that an advertiser may wish to know about the persons who

view its advertisements. Whenever the user desires to view advertisements, the user

logs into the remote computer in a suitable manner that identifies the user and allows

the remote computer to determine the account corresponding to that user").

As per claim 5, De Rafael teaches the contents polling information includes the

merchandise purchase intention information of said pollee to be activated when said

content is commercialized (column 4, lines 56-65: "Advertiser 14 has an advertiser

computer 22 that communicates with remote computer 16 via Internet 20. Advertiser

14 can establish a business relationship with processor 10 that allows advertiser 14 to

store interactive advertisements 24 in database 20. In this exemplary embodiment, an

interactive advertisement 24 includes a set of documents defined by the hypertext

mark-up language (HTML), an algorithm for selecting the next document to display, and algorithms for computing statistics of interest to advertiser 14." Whereby providing statistical data of interest is equivalent to purchase intent.).

As per claim 7, De Rafael teaches the poll result counting means generates business profitability as a function of the picture content (column 3, lines 34-45: "In other embodiments, the information may be statistical information that the remote computer computes in response to the answers and the user demographics. For example, an advertiser may wish to know the average age or the total number of persons of a certain gender, city of residence, political affiliation, or occupation, who viewed its advertisement, or similar demographic statistical information of all persons who answered "Yes" to a certain question or whose answers followed a certain predetermined pattern. Such information is highly useful to advertisers because it aids them in targeting their advertisements and responding to consumer preferences." Whereby the company uses the information to respond to customers' preferences such that they focus their products and advertising to meets the needs of customers and in turn increase their profitability.).

As per claim 8, De Rafael teaches the contents polling information includes the information indicating whether said pollee wants sales advertisements of merchandise (See Figure 3, (54) user selects advertisement).

### Claim Rejections - 35 USC § 103

6.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.    Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Rafael

is view of Chisholm (US 5400248).

As per claim 6, De Rafael does not explicitly teach the predetermined pollee is

provided a greater quantity of ballots than the general pollee. Chisholm teaches that it

is known that the predetermined pollee is provided a greater quantity of ballots than the

general pollee (see Chisholm column 5 lines 48-54: "All votes do not have to be

weighted the same. If specified by the vote administrator, some votes may be

weighted differently from each other. The default weighting of a vote is 1.0. If the vote

administrator weights voter x's vote by the factor W(x), 0.ltoreq.W(x), then voter x's

vote will be treated as W(x) separate votes in final tabulations of all of the votes.).

Chisholm is an analogous art as it also teaches polling and voting. The advantage of

this feature is that it enables advertisers to obtain information of greater statistical value

by enabling the system adjust weights and ballots for specific demographic

participants. It would have been obvious, at the time of the invention, to one of

ordinary skill in the art at the time of the invention to combine the polling system of De

Rafael with the weighting system of Chisholm to enable users to obtain information of

greater statistical value, which is a goal of De Rafael (see column 1 lines 36-44).

### Conclusion

8.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)

272-5880.  The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729.  The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

kkd

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